

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHELLE L. JACKSON,

Plaintiff,

v.

Case No. 06-CV-10389-DT

UNITED STATES OF AMERICA,

Defendant.

ORDER VACATING MARCH 8, 2006 ORDER TO SHOW CAUSE

On March 8, 2006, the court issued an order directing Plaintiff Michelle Jackson to show cause why this case should not be dismissed due to the litigation arising out of the same occurrence that is currently pending in state court. (3/8/06 Order at 1.) Plaintiff responded to the court's order on March 16, 2006. In addition to Plaintiff's discussion of how the facts of this case satisfy the factors set forth in *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976), the court finds nothing in the record that would remove this case brought under the Federal Tort Claims Act from the exclusive jurisdiction of this court as provided by 28 U.S.C. § 1346. Section 1346 provides:

Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United

States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

28 U.S.C. § 1346.

Accordingly, IT IS ORDERED that the court's March 8, 2006 order to show cause [Dkt. # 4] is VACATED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 6, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 6, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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